

EDWARD H. KUBO, JR. #2499
United States Attorney
District of Hawaii

FLORENCE T. NAKAKUNI #2286
Chief, Narcotics Section

LORETTA SHEEHAN
Assistant U.S. Attorney
Room 6-100, PJKK Federal Building
300 Ala Moana Boulevard
Honolulu, Hawaii 96850
Telephone: (808) 541-2850
Facsimile: (808) 541-2958
E-mail: loretta.sheehan@usdoj.gov

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

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WALTER A. Y. H. CHINN, CLERK

Attorneys for Plaintiff
UNITED STATES OF AMERICA

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,)	CR. NO. 03-00579 HG
)	
Plaintiff,)	
)	FIRST SUPERSEDING INDICTMENT
vs.)	
)	[21 U.S.C. §§ 856(a)(2), 853;
BETTY YI HERNANDEZ,)	18 U.S.C. §§ 1956, 982; 2]
a.k.a. "Suki,")	
)	
Defendant.)	
_____)	

FIRST SUPERSEDING INDICTMENT

COUNT 1

The Grand Jury charges that:

From a date unknown, but by at least November 3, 1999 to and including December 11, 2003, the defendant, BETTY YI HERNANDEZ, a.k.a. "Suki," managed and controlled any building, room, and enclosure, either as an owner, leasee, agent, employee, and mortgagee, and knowingly and intentionally rented, leased,

and made available for use, with or without compensation, the building, room, and enclosure for the purpose of unlawfully manufacturing, storing, distributing, and using controlled substances.

All in violation of Title 21, United States Code, Sections 856(a)(2) and 856(b).

COUNT 2

The Grand Jury further charges:

A. As a result of committing the offense alleged in Count 1 of this Indictment, Defendant BETTY YI HERNANDEZ shall forfeit to the United States, pursuant to Title 21, United States Code, Section 853, any and all property constituting, or derived from, any proceeds which Defendant BETTY YI HERNANDEZ obtained, directly or indirectly, as the result of such offense and any and all property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such offense, including but not limited to the following:

ALL INVENTORY AND EQUIPMENT LOCATED AT SWING VIDEO,
1340 KAPIOLANI BLVD., STE. 102, HONOLULU, HAWAII.

B. If any of the above-described forfeitable property, as a result of any act or omission of the Defendant --

1. cannot be located upon the exercise of due diligence;
2. has been transferred or sold to, or deposited with, a third person;
3. has been placed beyond the jurisdiction of the court;

4. has been substantially diminished in value; or
5. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p) to seek forfeiture of any other property of the Defendant up to the value of the above forfeitable property.

All in violation of Title 21, United States Code, Sections 853 and 856(a)(2).

COUNTS 3-48

PAYMENTS TO SOFOS REALTY AND/OR RIALD INVESTMENT

The Grand Jury further charges:

On or about the following dates set forth in tabular form below, in the District of Hawaii, the defendant, BETTY YI HERNANDEZ, a.k.a. "SUKI," did knowingly conduct and attempt to conduct a financial transaction affecting interstate commerce, to wit, defendant withdrew funds from her "Swing Video" checking account, number 47-019753, at First Hawaiian Bank (said bank was engaged in interstate commerce and insured by the Federal Deposit Insurance Corporation), by way of checks drawn on the account payable to Sofos Realty and/or Riald Investment which involved the proceeds of specified unlawful activity, that is, making available the premises of Swing Video for the distribution of controlled substances in violation of Title 21, United States Code, Section 856(a)(2), and that while conducting and attempting

to conduct such transaction, the defendant knew that the property involved in the financial transaction represented the proceeds of some form of unlawful activity; and knew that the transaction was designed in whole or in part, to promote the carrying on of the aforesaid specified unlawful activity, with each transaction representing a separate count of this indictment:

<u>Count</u>	<u>Check No.</u>	<u>Date of Check</u>	<u>Amount of Check</u>	<u>Payee</u>
3	575	11/2/99	\$7,041.62	Sofos Realty
4	589	12/2/99	\$7,041.62	Sofos
5	599	12/26/99	\$7,041.62	Sofos Realty
6	613	1/29/00	\$7,041.62	Sofos Realty
7	623	2/25/00	\$7,041.62	Sofos Realty
8	639	3/27/00	\$7,041.62	Sofos
9	651	4/27/00	\$11,328.25	Sofos Realty
10	664	5/25/00	\$7,174.93	Sofos
11	674	6/25/00	\$7,174.93	Sofos Realty
12	688	7/26/00	\$7,174.93	Sofos Realty
13	707	8/27/00	\$7,174.93	Sofos Realty
14	722	9/27/00	\$7,174.93	Sofos Realty
15	757	10/22/00	\$7,174.93	Sofos Realty
16	772	11/27/00	\$7,174.93	Sofos Realty
17	791	12/27/00	\$7,174.93	Sofos Realty
18	746	1/23/01	\$7,174.93	Sofos Realty
19	818	2/26/01	\$7,408.62	Sofos Realty
20	835	3/23/01	\$7,361.16	Sofos Realty
21	704	4/21/01	\$7,361.16	Sofos Realty
22	723	5/23/01	\$7,361.16	Sofos Realty
23	737	6/23/01	\$7,361.16	Sofos
24	751	7/21/01	\$7,361.16	Sofos
25	766	8/25/01	\$7,361.16	Sofos Realty
26	780	9/21/01	\$7,361.16	Sofos Realty
27	796	10/18/01	\$7,361.16	Sofos Realty
28	810	11/21/01	\$7,361.16	Sofos
29	821	12/21/01	\$7,361.16	Sofos
30	845	1/28/02	\$7,361.16	Sofos Property
31	856	2/26/02	\$8,000.00	Sofos Realty
32	864	3/22/02	\$7,280.23	Sofos
33	875	4/25/02	\$6,507.06	Sofos Relty
34	886	5/22/02	\$8,000.00	Riald Investment
35	899	6/22/02	\$6,633.47	Sofos Realty

<u>Count</u>	<u>Check No.</u>	<u>Date of Check</u>	<u>Amount of Check</u>	<u>Payee</u>
36	911	7/19/02	\$7,547.72	Sofos Realty
37	923	8/29/02	\$7,547.72	Sofos Realty
38	934	9/21/02	\$7,547.72	Sofos Realty
39	943	10/24/02	\$7,547.72	Sofos Realty
40	953	11/22/02	\$7,547.72	Sofos Realty
41	956	12/21/02	\$7,559.85	Sofos Realty
42	971	1/22/03	\$7,559.85	Sofos Realty
43	982	2/21/03	\$7,559.85	Sofos Realty
44	993	3/22/03	\$8,145.66	Sofos Realty
45	1003	4/5/03	\$588.37	Sofos Realty
46	1010	4/25/03	\$6,676.01	Sofos Relty
47	1025	5/22/03	\$7,852.75	Sofo
48	1052	6/25/03	\$7,852.75	Sofo

All in violation of Title 18, United States Code,
Section 1956(a)(1)(A)(i).

COUNT 49

The Grand Jury further charges that:

A. As a result of committing one or more of the offenses in violation of Title 18, United States Code, Section 1956(a)(1)(A)(i) alleged in Counts 3-48 of the Indictment, Defendant BETTY YI HERNANDEZ shall forfeit to the United States, pursuant to Title 18, United States Code, Section 982, any and all property, real or personal, involved in such offenses, and all property traceable to such property, including but not limited to the following:

1. A sum of money equal to \$334,488.17 in United States currency, representing the amount of proceeds obtained as a result of the offenses listed in Counts 3-48.

B. If any of the above-described forfeitable property, as a result of any act or omission of the Defendant --

1. cannot be located upon the exercise of due diligence;
2. has been transferred or sold to, or deposited with, a third person;
3. has been placed beyond the jurisdiction of the court;
4. has been substantially diminished in value; or
5. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 18, United States Code, Section 982(b)(2), to seek forfeiture of any other property of the Defendant BETTY YI HERNANDEZ up to the value of the above forfeitable property.

All in violation of Title 18, United States Code, Sections 982, 1956(a)(1)(A)(i) and Title 21, United States Code, Section 856(a)(2).

COUNT 50

The Grand Jury further charges:

A. As a result of committing one or more of the offenses alleged in Counts 3-48 of this Indictment, Defendant BETTY YI HERNANDEZ shall forfeit to the United States, pursuant to Title 21, United States Code, Section 853, any and all property constituting, or derived from, any proceeds which Defendant BETTY YI HERNANDEZ obtained, directly or indirectly, as

the result of such offenses and any and all property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such offenses, including but not limited to the following:

1. A sum of money equal to \$334,488.17 in United States currency, representing the amount of proceeds obtained as a result of the offenses listed in Counts 3-48.

B. If any of the above-described forfeitable property, as a result of any act or omission of the Defendant --

1. cannot be located upon the exercise of due diligence;
2. has been transferred or sold to, or deposited with, a third person;
3. has been placed beyond the jurisdiction of the court;
4. has been substantially diminished in value; or
5. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p) to seek forfeiture of any other property of the Defendant up to the value of the above forfeitable property.

All in violation of Title 21, United States Code, Sections 853 and 856(a)(2).

COUNTS 51-97

PAYMENTS TO COUNTRYWIDE MORTGAGE, INC.

The Grand Jury further charges:

On or about the following dates set forth in tabular form below, in the District of Hawaii, the defendant, BETTY YI HERNANDEZ, a.k.a. "SUKI," did knowingly conduct and attempt to conduct a financial transaction affecting interstate commerce, to wit, defendant withdrew funds from her "Swing Video" checking account, number 47-019753, at First Hawaiian Bank (said bank was engaged in interstate commerce and insured by the Federal Deposit Insurance Corporation), by way of checks drawn on the account payable to Countrywide Mortgage, Inc. which involved the proceeds of specified unlawful activity, that is, making available the premises of Swing Video for the distribution of controlled substances in violation of Title 21, United States Code, Section 856(a)(2), and that while conducting and attempting to conduct such transaction, the defendant knew that the property involved in the financial transaction represented the proceeds of some form of unlawful activity; and knew that the transaction was designed in whole or in part, to conceal and disguise the nature, the location, the source, the ownership and the control of the proceeds of specified unlawful activity, to wit, making available the premises of Swing Video for distribution of controlled

substances, with each transaction representing a separate count of this indictment:

<u>Count</u>	<u>Check No.</u>	<u>Date of Check</u>	<u>Amount of Check</u>
51	570	11/10/99	\$1,685.53
52	581	11/22/99	\$1,605.27
53	594	12/21/99	\$1,700.00
54	609	1/27/00	\$1,700.00
55	624	2/27/00	\$1,685.53
56	638	3/27/00	\$1,605.53
57	653	4/27/00	\$1,605.27
58	665	5/31/00	\$1,605.27
59	675	6/25/00	\$1,605.27
60	685	7/26/00	\$1,605.27
61	705	8/27/00	\$1,605.27
62	716	9/27/00	\$1,605.27
63	732	10/27/00	\$1,685.53
64	762	11/27/00	\$1,605.27
65	787	12/27/00	\$1,685.53
66	740	1/19/01	\$1,605.53
67	748	1/27/01	\$1,605.27
68	829	3/7/01	\$1,605.27
69	843	4/27/01	\$1,685.53
70	717	5/14/01	\$2,029.25
71	732	6/1/01	\$2,029.25
72	759	8/7/01	\$2,029.25
73	764	8/23/01	\$2,029.25
74	769	9/4/01	\$2,029.25
75	785	9/26/01	\$1,876.45
76	793	10/13/01	\$1,876.45
77	799	10/30/01	\$1,876.45
78	812	11/22/01	\$1,876.45
79	819	12/14/01	\$1,876.45
80	831	1/17/02	\$1,876.45
81	896	6/19/02	\$1,729.43
82	897	6/19/02	\$1,729.43
83	906	7/2/02	\$1,815.90
84	915	7/26/02	\$1,729.43
85	918	8/6/02	\$1,729.43
86	922	8/21/02	\$1,729.43
87	966	1/11/03	\$3,371.40
88	974	1/23/03	\$4,816.29
89	979	2/7/03	\$3,210.86
90	981	2/21/03	\$5,000.00
91	986	3/6/03	\$5,000.00

<u>Count</u>	<u>Check No.</u>	<u>Date of Check</u>	<u>Amount of Check</u>
92	991	3/25/03	\$1,512.45
93	1004	4/10/03	\$1,512.45
94	1011	4/25/03	\$1,512.45
95	1019	5/7/03	\$1,512.45
96	1033	5/31/03	\$1,512.45
97	1044	6/15/03	\$1,512.45

All in violation of Title 18, United States Code,
Section 1956(a)(1)(B)(i).

COUNT 98

The Grand Jury further charges:

A. As a result of committing one or more of the offenses in violation of Title 18, United States Code, Section 1956(a)(1)(B)(i) alleged in Counts 51-97 of the Indictment, Defendant BETTY YI HERNANDEZ shall forfeit to the United States, pursuant to Title 18, United States Code, Section 982, any and all property, real or personal, involved in such offenses, and all property traceable to such property, including but not limited to the following:

1. A sum of money equal to \$93,432.66 in United States currency, representing the amount of proceeds obtained as a result of the offenses listed in Counts 51-97.
2. The fee simple interest in the real property located at 3075 Ala Poha Place, #1609, Honolulu, Hawaii 96818, titled in the name of BETTY YI HERNANDEZ, and more specifically identified as Tax Map Key No. 1-1-1-065-041-0176, together with all improvements, appurtenances, fixtures, attachments and easements.

B. If any of the above-described forfeitable property, as a result of any act or omission of the Defendant --

1. cannot be located upon the exercise of due diligence;
2. has been transferred or sold to, or deposited with, a third person;
3. has been placed beyond the jurisdiction of the court;
4. has been substantially diminished in value; or
5. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 18, United States Code, Section 982(b)(2), to seek forfeiture of any other property of the Defendant up to the value of the above forfeitable property.

All in violation of Title 18, United States Code, Sections 982, 1956(a)(1)(B)(i) and Title 21, United States Code, Section 856(a)(2).

COUNT 99

The Grand Jury further charges:

A. As a result of committing one or more of the offenses alleged in Counts 51-97 of this Indictment, Defendant BETTY YI HERNANDEZ shall forfeit to the United States, pursuant to Title 21, United States Code, Section 853, any and all property constituting, or derived from, any proceeds which Defendant BETTY YI HERNANDEZ obtained, directly or indirectly, as

the result of such offenses and any and all property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such offenses, including but not limited to the following:

1. A sum of money equal to \$93,432.66 in United States currency, representing the amount of proceeds obtained as a result of the offenses listed in Counts 51-97.
2. The fee simple interest in the real property located at 3075 Ala Poha Place, #1609, Honolulu, Hawaii 96818, titled in the name of BETTY YI HERNANDEZ, and more specifically identified as Tax Map Key No. 1-1-1-065-041-0176, together with all improvements, appurtenances, fixtures, attachments and easements.

B. If any of the above-described forfeitable property, as a result of any act or omission of the Defendant --

1. cannot be located upon the exercise of due diligence;
2. has been transferred or sold to, or deposited with, a third person;
3. has been placed beyond the jurisdiction of the court;
4. has been substantially diminished in value; or
5. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p) to seek forfeiture of any other property of the Defendant up to the value of the above forfeitable property.

All in violation of Title 21, United States Code, Sections 853 and 856(a)(2).

COUNT 100

U.S. CURRENCY SEIZED AT SWING VIDEO

The Grand Jury further charges:

A. As a result of committing the offense alleged in Count 1 of this Indictment, Defendant BETTY YI HERNANDEZ shall forfeit to the United States, pursuant to Title 21, United States Code, Section 853, any and all property constituting, or derived from, any proceeds which Defendant BETTY YI HERNANDEZ obtained, directly or indirectly, as the result of such offense and any and all property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such offense, including but not limited to the following: \$2,859.65 in U.S. currency seized at Swing Video on December 11, 2003.

B. If any of the above-described forfeitable property, as a result of any act or omission of the Defendant --

1. cannot be located upon the exercise of due diligence;
2. has been transferred or sold to, or deposited with, a third person;
3. has been placed beyond the jurisdiction of the court;
4. has been substantially diminished in value; or
5. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p) to seek forfeiture of any other property of the Defendant up to the value of the above forfeitable property.

All in violation of Title 21, United States Code, Sections 853 and 856(a)(2).

COUNTS 101-109

PAYMENTS TO FIDELITY NATIONAL ESCROW CORPORATION

COUNT 101

The Grand Jury further charges:

On or about January 7, 2001, in the District of Hawaii, the defendant, BETTY YI HERNANDEZ, a.k.a. "SUKI," did knowingly conduct and attempt to conduct a financial transaction affecting interstate commerce, to wit, defendant withdrew funds from her "Swing Video" checking account, number 47-019753, at First Hawaiian Bank (said bank was engaged in interstate commerce and insured by the Federal Deposit Insurance Corporation), by way of a check payable to Fidelity National in the amount of \$5,000.00, drawn on the account of Swing Video which involved the proceeds of specified unlawful activity, that is, making available the premises of Swing Video for the distribution of controlled substances in violation of Title 21, United States Code, Section 856(a)(2), and that while conducting and attempting to conduct such transaction, the defendant knew that the property involved

in the financial transaction represented the proceeds of some form of unlawful activity; and knew that the transaction was designed in whole or in part, to conceal and disguise the nature, the location, the source, the ownership and the control of the proceeds of specified unlawful activity, to wit, making available the premises of Swing Video for distribution of controlled substances.

All in violation of Title 18, United States Code, Section 1956(a)(1)(B)(i).

COUNTS 102-103

The Grand Jury further charges:

On or about the following dates set forth in tabular form below, in the District of Hawaii, the defendant, BETTY YI HERNANDEZ, a.k.a. "SUKI," did knowingly conduct and attempt to conduct, and cause another to conduct and attempt to conduct, a financial transaction affecting interstate commerce, to wit, to withdraw funds from the Kuku's Fishing, Inc. checking account, number 80682344, at Bank of Hawaii (said bank was engaged in interstate commerce and insured by the Federal Deposit Insurance Corporation), by way of checks drawn on the account, payable to Fidelity National Escrow which involved the proceeds of specified unlawful activity, that is, making available the premises of Swing Video for the distribution of controlled substances in violation of Title 21, United States Code, Section 856(a)(2), and

that while causing another to conduct and attempt to conduct such transaction, the defendant knew that the property involved in the financial transaction represented the proceeds of some form of unlawful activity; and knew that the transaction was designed in whole or in part, to conceal and disguise the nature, the location, the source, the ownership, and the control of the proceeds of specified unlawful activity, to wit, making available the premises of Swing Video for distribution of controlled substances, with each transaction representing a separate count of this indictment:

<u>Count</u>	<u>Check No.</u>	<u>Date of Check</u>	<u>Amount of Check</u>	<u>Payee</u>
102	371	01/23/01	\$5,000.00	Fidelity National Escrow
103	372	01/23/01	\$5,000.00	Fidelity National Escrow

COUNT 104

The Grand Jury further charges:

On or about April 9, 2001, in the District of Hawaii, the defendant, BETTY YI HERNANDEZ, a.k.a. "SUKI," did knowingly conduct and attempt to conduct a financial transaction affecting interstate commerce, to wit, defendant purchased Cashier's Check #20319308 from Bank of Hawaii (said bank was engaged in interstate commerce and insured by the Federal Deposit Insurance Corporation), in the amount of \$15,000.00 which involved the proceeds of specified unlawful activity, that is, making available the premises of Swing Video for the distribution of

controlled substances in violation of Title 21, United States Code, Section 856(a)(2), and that while conducting and attempting to conduct such transaction, the defendant knew that the property involved in the financial transaction represented the proceeds of some form of unlawful activity; and knew that the transaction was designed in whole or in part, to conceal and disguise the nature, the location, the source, the ownership and the control of the proceeds of specified unlawful activity, to wit, making available the premises of Swing Video for distribution of controlled substances.

All in violation of Title 18, United States Code, Section 1956(a)(1)(B)(i).

COUNTS 105-106

The Grand Jury further charges:

On or about the following dates set forth in tabular form below, in the District of Hawaii, the defendant, BETTY YI HERNANDEZ, a.k.a. "SUKI," did knowingly conduct and attempt to conduct, and cause another to conduct and attempt to conduct, a financial transaction affecting interstate commerce, to wit, to purchase Cashier's Checks from City Bank (said bank was engaged in interstate commerce and insured by the Federal Deposit Insurance Corporation), as set forth in tabular form below which involved the proceeds of specified unlawful activity, that is, making available the premises of Swing Video for the distribution

of controlled substances in violation of Title 21, United States Code, Section 856(a)(2), and that while causing another to conduct and attempt to conduct such transaction, the defendant knew that the property involved in the financial transaction represented the proceeds of some form of unlawful activity; and knew that the transaction was designed in whole or in part, to conceal and disguise the nature, the location, the source, the ownership, and the control of the proceeds of specified unlawful activity, to wit, making available the premises of Swing Video for distribution of controlled substances, with each transaction representing a separate count of this indictment:

<u>Count</u>	<u>Check No.</u>	<u>Date of Check</u>	<u>Amount of Check</u>	<u>Payee</u>
105	1008811	04/06/01	\$60,000.00	Fidelity National Title Escrow
106	221618	04/09/01	\$5,000.00	Fidelity National Title Escrow

All in violation of Title 18, United States Code, Section 1956(a)(1)(B)(i).

COUNT 107

The Grand Jury further charges:

On or about April 9, 2001, in the District of Hawaii, the defendant, BETTY YI HERNANDEZ, a.k.a. "SUKI," did knowingly conduct and attempt to conduct a financial transaction affecting interstate commerce, to wit, defendant withdrew funds from her

checking account, number 236322420, at City Bank (said bank was engaged in interstate commerce and insured by the Federal Deposit Insurance Corporation), by way of a City Bank Cashier's check #220948, payable to Fidelity National Title Escrow in the amount of \$12,000.00, which involved the proceeds of specified unlawful activity, that is, making available the premises of Swing Video for the distribution of controlled substances in violation of Title 21, United States Code, Section 856(a)(2), and that while conducting and attempting to conduct such transaction, the defendant knew that the property involved in the financial transaction represented the proceeds of some form of unlawful activity; and knew that the transaction was designed in whole or in part, to conceal and disguise the nature, the location, the source, the ownership and the control of the proceeds of specified unlawful activity, to wit, making available the premises of Swing Video for distribution of controlled substances.

All in violation of Title 18, United States Code, Section 1956(a)(1)(B)(i).

COUNT 108

The Grand Jury further charges:

On or about April 9, 2001, in the District of Hawaii, the defendant, BETTY YI HERNANDEZ, a.k.a. "SUKI," did knowingly conduct and attempt to conduct a financial transaction affecting

interstate commerce, to wit, defendant withdrew funds from her checking account, number 37961, at University of Hawaii Federal Credit Union (said bank was engaged in interstate commerce and insured by the National Credit Union Administration), by way of a University of Hawaii Federal Credit Union check #130988, payable to Fidelity National Title & Escrow in the amount of \$10,000.00, which involved the proceeds of specified unlawful activity, that is, making available the premises of Swing Video for the distribution of controlled substances in violation of Title 21, United States Code, Section 856(a)(2), and that while conducting and attempting to conduct such transaction, the defendant knew that the property involved in the financial transaction represented the proceeds of some form of unlawful activity; and knew that the transaction was designed in whole or in part, to conceal and disguise the nature, the location, the source, the ownership and the control of the proceeds of specified unlawful activity, to wit, making available the premises of Swing Video for distribution of controlled substances.

All in violation of Title 18, United States Code, Section 1956(a)(1)(B)(i).

COUNT 109

The Grand Jury further charges:

On or about April 9, 2001, in the District of Hawaii, the defendant, BETTY YI HERNANDEZ, a.k.a. "SUKI," did knowingly

conduct and attempt to conduct a financial transaction affecting interstate commerce, to wit, defendant purchased Official Bank Check #02414655 from First Hawaiian Bank (said bank was engaged in interstate commerce and insured by the Federal Deposit Insurance Corporation), payable to Fidelity National Title and Escrow in the amount of \$10,048.35, which involved the proceeds of specified unlawful activity, that is, making available the premises of Swing Video for the distribution of controlled substances in violation of Title 21, United States Code, Section 856(a)(2), and that while conducting and attempting to conduct such transaction, the defendant knew that the property involved in the financial transaction represented the proceeds of some form of unlawful activity; and knew that the transaction was designed in whole or in part, to conceal and disguise the nature, the location, the source, the ownership and the control of the proceeds of specified unlawful activity, to wit, making available the premises of Swing Video for distribution of controlled substances.

All in violation of Title 18, United States Code, Section 1956(a)(1)(B)(i).

COUNT 110

The Grand Jury further charges that:

A. As a result of committing one or more of the offenses in violation of Title 18, United States Code, Section

1956(a)(1)(A)(i) alleged in Counts 101-109 of the Indictment, Defendant BETTY YI HERNANDEZ shall forfeit to the United States, pursuant to Title 18, United States Code, Section 982, any and all property, real or personal, involved in such offenses, and all property traceable to such property, including but not limited to the following:

1. A sum of money equal to \$127,048.35 in United States currency, representing the amount of proceeds obtained as a result of the offenses listed in Counts 101-109.

B. If any of the above-described forfeitable property, as a result of any act or omission of the Defendant --

1. cannot be located upon the exercise of due diligence;
2. has been transferred or sold to, or deposited with, a third person;
3. has been placed beyond the jurisdiction of the court;
4. has been substantially diminished in value; or
5. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 18, United States Code, Section 982(b)(2), to seek forfeiture of any other property of the Defendant BETTY YI HERNANDEZ up to the value of the above forfeitable property.

All in violation of Title 18, United States Code, Sections 982, 1956(a)(1)(B)(i) and Title 21, United States Code, Section 856(a)(2).

COUNT 111

The Grand Jury further charges:

A. As a result of committing one or more of the offenses alleged in Counts 101-109 of this Indictment, Defendant BETTY YI HERNANDEZ shall forfeit to the United States, pursuant to Title 21, United States Code, Section 853, any and all property constituting, or derived from, any proceeds which Defendant BETTY YI HERNANDEZ obtained, directly or indirectly, as the result of such offenses and any and all property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such offenses, including but not limited to the following:

1. A sum of money equal to \$127,048.35 in United States currency, representing the amount of proceeds obtained as a result of the offenses listed in Counts 101-109.

B. If any of the above-described forfeitable property, as a result of any act or omission of the Defendant --

1. cannot be located upon the exercise of due diligence;
2. has been transferred or sold to, or deposited with, a third person;
3. has been placed beyond the jurisdiction of the court;
4. has been substantially diminished in value; or
5. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p) to seek forfeiture of any other property of the Defendant up to the value of the above forfeitable property.

All in violation of Title 21, United States Code, Sections 853 and 856(a)(2).

COUNTS 112-121

DEPOSITS TO TENNY CORPORATION, dba NORTH KING SHELL

COUNT 112

The Grand Jury further charges:

On or about the following dates set forth in tabular form below, in the District of Hawaii, the defendant, BETTY YI HERNANDEZ, a.k.a. "SUKI," did knowingly conduct and attempt to conduct a financial transaction affecting interstate commerce, to wit, defendant caused funds to be deposited into accounts #48-061737, the checking account of Tenny Corporation, dba North King Shell, at First Hawaiian Bank (said bank was engaged in interstate commerce and insured by the Federal Deposit Insurance Corporation), which involved the proceeds of specified unlawful activity, that is, making available the premises of Swing Video for the distribution of controlled substances in violation of Title 21, United States Code, Section 856(a)(2), and that while conducting and attempting to conduct such transactions, the defendant knew that the property involved in the financial

transaction represented the proceeds of some form of unlawful activity; and knew that the transaction was designed in whole or in part, to conceal and disguise the nature, the location, the source, the ownership and the control of the proceeds of specified unlawful activity, to wit, making available the premises of Swing Video for distribution of controlled substances, with each transaction representing a separate count of this indictment:

<u>Count</u>	<u>Form of Deposit</u>	<u>Date of Transaction</u>	<u>Amount</u>	<u>Payee</u>
112	cash	03/27/01	\$9,000.00	Tenny Corporation
113	Swing Video LLC check #1007	03/27/01	\$10,000.00	N. King Shell
114	American Savings Bank check #2231	04/09/01	\$8,000.00	N. King Shell
115	American Savings Bank Cashier's Check #400073605	04/10/01	\$10,000.00	North King Shell
116	Swing Video check #853	04/10/01	\$20,000.00	North King Shell Station
117	Swing Video check #000	05/03/01	\$12,000.00	North King Shell
118	Swing Video LLC check #1016	04/01/02	\$5,000.00	N. King Shell
119	Swing Video check #999	04/01/03	\$10,000.00	N. King Shell
120	Swing Video check #1048	06/24/03	\$30,000.00	N. King Shell

121 Swing Video 08/07/03 \$2,000.00 N. King Shell
check #1081

All in violation of Title 18, United States Code,
Section 1956(a)(1)(B)(i).

COUNTS 122-125

PAYMENTS TO SHELL CORPORATION

The Grand Jury further charges:

On or about the following dates set forth in tabular form below, in the District of Hawaii, the defendant, BETTY YI HERNANDEZ, a.k.a. "SUKI," did knowingly conduct and attempt to conduct a financial transaction affecting interstate commerce, to wit, to purchase an Official Bank Check at First Hawaiian Bank (said bank was engaged in interstate commerce and insured by the Federal Deposit Insurance Corporation), payable to Shell Corporation, which involved the proceeds of specified unlawful activity, that is, making available the premises of Swing Video for the distribution of controlled substances in violation of Title 21, United States Code, Section 856(a)(2), and that while conducting and attempting to conduct such transaction, the defendant knew that the property involved in the financial transaction represented the proceeds of some form of unlawful activity; and knew that the transaction was designed in whole or in part, to conceal and disguise the nature, the location, the source, the ownership, and the control of the proceeds of specified unlawful activity, to wit, making available the

premises of Swing Video for distribution of controlled substances, with each transaction representing a separate count of this indictment:

<u>Count</u>	<u>Check No.</u>	<u>Date of Check</u>	<u>Amount of Check</u>	<u>Payee</u>
122	First Hawaiian Bank Official Bank Check #0539226-9	09/18/03	\$17,400.00	Shell Corporation
123	First Hawaiian Bank Official Bank Check #0532437-3	09/29/03	\$17,400.00	Shell Corporation
124	First Hawaiian Bank Official Bank Check #0532476-9	10/02/03	\$17,400.00	Shell Corporation
125	First Hawaiian Bank Official Bank Check #0532496-7	10/06/03	\$17,400.00	Shell Corporation

All in violation of Title 18, United States Code, Section 1956(a)(1)(B)(i).

COUNT 126

The Grand Jury further charges that:

A. As a result of committing one or more of the offenses in violation of Title 18, United States Code, Section 1956(a)(1)(A)(i) alleged in Counts 112-125 of the Indictment, Defendant BETTY YI HERNANDEZ shall forfeit to the United States, pursuant to Title 18, United States Code, Section 982, any and all property, real or personal, involved in such offenses, and

all property traceable to such property, including but not limited to the following:

1. A sum of money equal to \$185,600.00 in United States currency, representing the amount of proceeds obtained as a result of the offenses listed in Counts 112-125.

B. If any of the above-described forfeitable property, as a result of any act or omission of the Defendant -

1. cannot be located upon the exercise of due diligence;
2. has been transferred or sold to, or deposited with, a third person;
3. has been placed beyond the jurisdiction of the court;
4. has been substantially diminished in value; or
5. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 18, United States Code, Section 982(b)(2), to seek forfeiture of any other property of the Defendant BETTY YI HERNANDEZ up to the value of the above forfeitable property.

All in violation of Title 18, United States Code, Sections 982, 1956(a)(1)(B)(i) and Title 21, United States Code, Section 856(a)(2).

COUNT 127

The Grand Jury further charges:

A. As a result of committing one or more of the offenses alleged in Counts 112-125 of this Indictment, Defendant

BETTY YI HERNANDEZ shall forfeit to the United States, pursuant to Title 21, United States Code, Section 853, any and all property constituting, or derived from, any proceeds which Defendant BETTY YI HERNANDEZ obtained, directly or indirectly, as the result of such offenses and any and all property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such offenses, including but not limited to the following:

1. A sum of money equal to \$185,600.00 in United States currency, representing the amount of proceeds obtained as a result of the offenses listed in Counts 112-125.

B. If any of the above-described forfeitable property, as a result of any act or omission of the Defendant --

1. cannot be located upon the exercise of due diligence;
2. has been transferred or sold to, or deposited with, a third person;
3. has been placed beyond the jurisdiction of the court;
4. has been substantially diminished in value; or
5. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p) to seek forfeiture of any other property of the Defendant up to the value of the above forfeitable property.

All in violation of Title 21, United States Code, Sections 853 and 856(a)(2).

COUNTS 128-161

PAYMENTS TO FIRST NATIONWIDE MORTGAGE CORPORATION

The Grand Jury further charges:

On or about the following dates set forth in tabular form below, in the District of Hawaii, the defendant, BETTY YI HERNANDEZ, a.k.a. "SUKI," did knowingly conduct and attempt to conduct a financial transaction affecting interstate commerce, to wit, defendant withdrew funds from her "Swing Video" checking account, number 47-019753, at First Hawaiian Bank (said bank was engaged in interstate commerce and insured by the Federal Deposit Insurance Corporation), by way of checks drawn on the account payable to First Nationwide Mortgage which involved the proceeds of specified unlawful activity, that is, making available the premises of Swing Video for the distribution of controlled substances in violation of Title 21, United States Code, Section 856(a)(2), and that while conducting and attempting to conduct such transaction, the defendant knew that the property involved in the financial transaction represented the proceeds of some form of unlawful activity; and knew that the transaction was designed in whole or in part, to conceal and disguise the nature, the location, the source, the ownership and the control of the proceeds of specified unlawful activity, to wit, making available

the premises of Swing Video for distribution of controlled substances, with each transaction representing a separate count of this indictment:

<u>Count</u>	<u>Check No.</u>	<u>Date of Check</u>	<u>Amount of Check</u>
128	569	11/02/99	\$1,004.44
129	583	11/22/99	\$1,004.44
130	600	12/26/99	\$1,004.44
131	612		\$1,069.14
132	625	02/28/00	\$1,069.14
133	637	03/27/00	\$1,069.14
134	663		\$1,069.14
135	677	06/25/00	\$1,107.89
136	648	04/23/00	\$1,100.00
137	690	07/26/00	\$1,184.47
138	706	08/27/00	\$1,184.47
139	727	09/27/00	\$1,184.47
140	758	10/24/00	\$1,184.47
141	773	11/28/00	\$1,184.47
142	792	12/28/00	\$1,184.47
143	750	01/27/01	\$1,140.68
144	817	02/22/01	\$1,140.68
145	832	03/20/01	\$1,140.68
146	703	04/21/01	\$1,140.68
147	718		\$1,140.68
148	734	06/13/01	\$1,140.68
149	760	08/07/01	\$1,056.74
150	763	08/12/01	\$1,056.74
151	783	09/26/01	\$1,056.74
152	795	10/19/01	\$1,056.74
153	808	11/15/01	\$1,056.74
154	820	12/14/01	\$1,056.74
155	832	01/19/02	\$976.79
156	850	02/14/02	\$976.79
157	860	03/19/02	\$976.79
158	872	04/19/02	\$976.79
159	884	05/17/02	\$976.79
160	893	06/15/02	\$976.79
161	909	07/16/02	\$901.04

All in violation of Title 18, United States Code,
Section 1956(a)(1)(B)(i).

COUNTS 162-167

PAYMENTS TO FIRST HAWAIIAN TITLE CORPORATION

The Grand Jury further charges:

On or about the following dates set forth in tabular form below, in the District of Hawaii, the defendant, BETTY YI HERNANDEZ, a.k.a. "SUKI," did knowingly conduct and attempt to conduct, and cause another to conduct and attempt to conduct, a financial transaction affecting interstate commerce, to wit, the purchase of cashier's checks from financial institutions engaged in interstate commerce and insured by the Federal Deposit Insurance Corporation and the National Credit Union Administration, payable to First Hawaii Title Corporation, which involved the proceeds of specified unlawful activity, that is, making available the premises of Swing Video for the distribution of controlled substances in violation of Title 21, United States Code, Section 856(a)(2), and that while conducting and attempting to conduct, and causing another to conduct and attempt to conduct such a transaction, the defendant knew that the property involved in the financial transaction represented the proceeds of some form of unlawful activity; and knew that the transaction was designed in whole or in part, to conceal and disguise the nature, the location, the source, the ownership and the control of the proceeds of specified unlawful activity, to wit, making available

the premises of Swing Video for distribution of controlled substances.

<u>Count</u>	<u>Cashier's Check</u>	<u>Date of Check</u>	<u>Amount of Check</u>
162	Hawaii State Federal Credit Union Check #542378	10/15/02	\$5,000.00
163	Bank of Hawaii Check #20498580	10/23/02	\$5,000.00
164	Bank of Hawaii Check #20580099	10/15/02	\$5,000.00
165	First Hawaiian Check #04424022	10/18/02	\$5,000.00
166	Bank of Hawaii Check #20580196	10/23/02	\$5,000.00
167	American Savings Bank Check #2049850	10/23/02	\$5,000.00

All in violation of Title 18, United States Code,
Sections 1956(a)(1)(B)(i) and 2.

COUNT 168

The Grand Jury further charges:

A. As a result of committing one or more of the offenses in violation of Title 18, United States Code, Section 1956(a)(1)(A)(i) alleged in Counts 128-167 of the Indictment, Defendant BETTY YI HERNANDEZ shall forfeit to the United States, pursuant to Title 18, United States Code, Section 982, any and all property, real or personal, involved in such offenses, and

all property traceable to such property, including but not limited to the following:

1. A sum of money equal to \$66,550.89 in United States currency, representing the amount of proceeds obtained as a result of the offenses listed in Counts 128-167.

B. If any of the above-described forfeitable property, as a result of any act or omission of the Defendant -

1. cannot be located upon the exercise of due diligence;
2. has been transferred or sold to, or deposited with, a third person;
3. has been placed beyond the jurisdiction of the court;
4. has been substantially diminished in value; or
5. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 18, United States Code, Section 982(b)(2), to seek forfeiture of any other property of the Defendant BETTY YI HERNANDEZ up to the value of the above forfeitable property.

All in violation of Title 18, United States Code, Sections 982, 1956(a)(1)(B)(i) and Title 21, United States Code, Section 856(a)(2).

COUNT 169

The Grand Jury further charges:

A. As a result of committing one or more of the offenses alleged in Counts 128-167 of this Indictment, Defendant

BETTY YI HERNANDEZ shall forfeit to the United States, pursuant to Title 21, United States Code, Section 853, any and all property constituting, or derived from, any proceeds which Defendant BETTY YI HERNANDEZ obtained, directly or indirectly, as the result of such offenses and any and all property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such offenses, including but not limited to the following:

1. A sum of money equal to \$66,550.89 in United States currency, representing the amount of proceeds obtained as a result of the offenses listed in Counts 128-167.

B. If any of the above-described forfeitable property, as a result of any act or omission of the Defendant -

1. cannot be located upon the exercise of due diligence;
2. has been transferred or sold to, or deposited with, a third person;
3. has been placed beyond the jurisdiction of the court;
4. has been substantially diminished in value; or
5. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p) to seek forfeiture of any other property of the Defendant up to the value of the above forfeitable property.

All in violation of Title 21, United States Code, Sections 853 and 856(a)(2).

COUNTS 170-175

DEPOSITS WITH HONOLULU DISTRICT COURT

The Grand Jury further charges:

On or about the following dates set forth in tabular form below, in the District of Hawaii, the defendant, BETTY YI HERNANDEZ, a.k.a. "SUKI," did knowingly conduct and attempt to conduct, and cause another to conduct and attempt to conduct, a financial transaction affecting interstate commerce, to wit, the purchase of a cashier's check from a bank engaged in interstate commerce and insured by the Federal Deposit Insurance Corporation, payable to Honolulu District Court, which involved the proceeds of specified unlawful activity, that is, making available the premises of Swing Video for the distribution of controlled substances in violation of Title 21, United States Code, Section 856(a)(2), and that while conducting and attempting to conduct, and causing others to conduct and attempting to conduct, such transaction, the defendant knew that the property involved in the financial transaction represented the proceeds of some form of unlawful activity; and knew that the transaction was designed in whole or in part, to conceal and disguise the nature, the location, the source, the ownership and the control of the proceeds of specified unlawful activity, to wit, making available

the premises of Swing Video for distribution of controlled substances, with each transaction representing a separate count of this indictment:

<u>Count</u>	<u>Cashier's Check</u>	<u>Date of Check</u>	<u>Amount of Check</u>
170	First Hawaiian Bank #0558846-9	11/06/03	\$12,000.00
171	City Bank #232197	11/06/03	\$8,000.00
172	Bank of Hawaii #400794	11/06/03	\$5,000.00
173	Bank of Hawaii #1701607	11/06/03	\$5,000.00
174	American Savings Bank #400767383	11/06/03	\$20,000.00

All in violation of Title 18, United States Code, Sections 1956(a)(1)(B)(i) and 2.

COUNT 175

The Grand Jury further charges:

A. As a result of committing one or more of the offenses in violation of Title 18, United States Code, Section 1956(a)(1)(A)(i) alleged in Counts 170-174 of the Indictment, Defendant BETTY YI HERNANDEZ shall forfeit to the United States, pursuant to Title 18, United States Code, Section 982, any and all property, real or personal, involved in such offenses, and all property traceable to such property, including but not limited to the following:

1. A sum of money equal to \$50,000.00 in United States currency, representing the amount of proceeds obtained as a result of the offenses listed in Count 170-174.

B. If any of the above-described forfeitable property, as a result of any act or omission of the Defendant -

1. cannot be located upon the exercise of due diligence;
2. has been transferred or sold to, or deposited with, a third person;
3. has been placed beyond the jurisdiction of the court;
4. has been substantially diminished in value; or
5. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 18, United States Code, Section 982(b)(2), to seek forfeiture of any other property of the Defendant BETTY YI HERNANDEZ up to the value of the above forfeitable property.

All in violation of Title 18, United States Code, Sections 982, 1956(a)(1)(B)(i) and Title 21, United States Code, Section 856(a)(2).

COUNT 176

The Grand Jury further charges:

A. As a result of committing one or more of the offenses alleged in Counts 170-174 of this Indictment, Defendant BETTY YI HERNANDEZ shall forfeit to the United States, pursuant to Title 21, United States Code, Section 853, any and all

property constituting, or derived from, any proceeds which Defendant BETTY YI HERNANDEZ obtained, directly or indirectly, as the result of such offenses and any and all property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such offenses, including but not limited to the following:

1. A sum of money equal to \$50,000.00 in United States currency, representing the amount of proceeds obtained as a result of the offenses listed in Counts 170-174.

B. If any of the above-described forfeitable property, as a result of any act or omission of the Defendant -

1. cannot be located upon the exercise of due diligence;
2. has been transferred or sold to, or deposited with, a third person;
3. has been placed beyond the jurisdiction of the court;
4. has been substantially diminished in value; or
5. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p) to seek forfeiture of any other property of the Defendant up to the value of the above forfeitable property.

All in violation of Title 21, United States Code, Sections 853 and 856(a)(2).

COUNTS 177-178

PAYMENTS TO T.H.

COUNT 177

The Grand Jury further charges:

On or about May 13, 2003, in the District of Hawaii, the defendant, BETTY YI HERNANDEZ, a.k.a. "SUKI" did knowingly conduct and attempt to conduct, and cause another to conduct and attempt to conduct, a financial transaction affecting interstate commerce, to wit, to withdraw funds from the KOAM Broadcasting Inc. d.b.a. Hawaii Radio Korea checking account #0001-105043 with Bank of Hawaii (said bank was engaged in interstate commerce and insured by the Federal Deposit Insurance Corporation), by way of check #1749, payable to T.H. in the amount of \$20,000.00, which involved the proceeds of specified unlawful activity, that is, making available the premises of Swing Video for the distribution of controlled substances in violation of Title 21, United States Code, Section 856(a)(2), and that while conducting and attempting to conduct, and causing another to conduct and attempt to conduct, such transaction, the defendant knew that the property involved in the financial transaction represented the proceeds of some form of unlawful activity; and knew that the transaction was designed in whole or in part, to conceal and disguise the nature, the location, the source, the ownership and the control of the proceeds of specified unlawful activity, to wit, making available

the premises of Swing Video for distribution of controlled substances.

All in violation of Title 18, United States Code, Sections 1956(a)(1)(B)(i) and 2.

COUNT 178

The Grand Jury further charges:

On or about February 27, 2003, in the District of Hawaii, the defendant, BETTY YI HERNANDEZ, a.k.a. "SUKI" did knowingly conduct and attempt to conduct, and cause another to conduct and attempt to conduct, a financial transaction affecting interstate commerce, to wit, to withdraw funds from checking account #0081-189811 at Bank of Hawaii (said bank was engaged in interstate commerce and insured by the Federal Deposit Insurance Corporation), via check #1214 payable to T.H. in the amount of \$30,000.00, which involved the proceeds of specified unlawful activity, that is, making available the premises of Swing Video for the distribution of controlled substances in violation of Title 21, United States Code, Section 856(a)(2), and that while conducting and attempting to conduct and causing another to conduct and attempt to conduct such transaction, the defendant knew that the property involved in the financial transaction represented the proceeds of some form of unlawful activity; and knew that the transaction was designed in whole or in part, to conceal and disguise the nature, the location, the source, the

ownership and the control of the proceeds of specified unlawful activity, to wit, making available the premises of Swing Video for distribution of controlled substances.

All in violation of Title 18, United States Code, Sections 1956(a)(1)(B)(i) and 2.

COUNT 179

The Grand Jury further charges:

A. As a result of committing the offense in violation of Title 18, United States Code, Section 1956(a)(1)(A)(i) alleged in Count 178 of the Indictment, Defendant BETTY YI HERNANDEZ shall forfeit to the United States, pursuant to Title 18, United States Code, Section 982, any and all property, real or personal, involved in such offenses, and all property traceable to such property, including but not limited to the following:

1. A sum of money equal to \$30,000.00 in United States currency, representing the amount of proceeds obtained as a result of the offense listed in Count 178.

B. If any of the above-described forfeitable property, as a result of any act or omission of the Defendant -

1. cannot be located upon the exercise of due diligence;
2. has been transferred or sold to, or deposited with, a third person;
3. has been placed beyond the jurisdiction of the court;
4. has been substantially diminished in value; or

5. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 18, United States Code, Section 982(b)(2), to seek forfeiture of any other property of the Defendant BETTY YI HERNANDEZ up to the value of the above forfeitable property.

All in violation of Title 18, United States Code, Sections 982, 1956(a)(1)(B)(i) and Title 21, United States Code, Section 856(a)(2).

COUNT 180

The Grand Jury further charges:

A. As a result of committing the offense alleged in Count 178 of this Indictment, Defendant BETTY YI HERNANDEZ shall forfeit to the United States, pursuant to Title 21, United States Code, Section 853, any and all property constituting, or derived from, any proceeds which Defendant BETTY YI HERNANDEZ obtained, directly or indirectly, as the result of such offenses and any and all property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such offenses, including but not limited to the following:

1. A sum of money equal to \$30,000.00 in United States currency, representing the amount of proceeds obtained as a result of the offense listed in Count 178.

B. If any of the above-described forfeitable property, as a result of any act or omission of the Defendant -

1. cannot be located upon the exercise of due diligence;
2. has been transferred or sold to, or deposited with, a third person;
3. has been placed beyond the jurisdiction of the court;
4. has been substantially diminished in value; or
5. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p) to seek forfeiture of any other property of the Defendant up to the value of the above forfeitable property.

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All in violation of Title 21, United States Code,
Sections 853 and 856(a)(2).

DATED: March 31, 2004, at Honolulu, Hawaii.

A TRUE BILL

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FOREPERSON, Grand Jury

EDWARD H. KUBO, JR.
United States Attorney
District of Hawaii

Florence T. Nakakuni
FLORENCE T. NAKAKUNI
Chief, Narcotics Section

Loretta Sheehan
LORETTA SHEEHAN
Assistant U.S. Attorney

UNITED STATES V. BETTY YI HERNANDEZ
Cr. No. 03-00579 HG
"First Superseding Indictment"